

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GEORGE IVERSON, individually,

Plaintiff,

vs.

Case No. 1:04-cv-12079-NG JLA

BRAINTREE PROPERTY
ASSOCIATES LIMITED
PARTNERSHIP, a Massachusetts
limited partnership,

Defendant.

**MOTION TO STRIKE PLAINTIFF'S SEALED SECOND VERIFIED MOTION
TO SUPPLEMENT APPLICATION FOR ATTORNEYS FEES, LITIGATION
EXPENSES AND COSTS AND MEMORANDUM OF LAW IN SUPPORT THEREOF**

Defendant, BRAINTREE PROPERTY ASSOCIATES LIMITED PARTNERSHIP
("Braintree"), hereby moves to strike Plaintiff's Sealed Second Verified Motion to Supplement
Plaintiff's Application for Attorneys Fees, Litigation Expenses and Costs and Memorandum of
Law in Support Thereof. As grounds therefore, Braintree states as follows:

1. On January 22, 2008, Plaintiff, George Iverson, filed under seal with this Court a
three-page Second Verified Motion to Allow Plaintiff to Supplement Plaintiff's Application for
Attorneys Fees, Litigation Expenses and Costs and Memorandum of Law in Support Thereof.
(*See* Doc. No. 53) (hereinafter "Second Fee Application Supplement").

2. Braintree moves to strike the Second Fee Application Supplement on the same
grounds raised in paragraphs 5, 6, and 7 of Braintree's Motion to Strike Plaintiff's Reply and
Plaintiff's Verified Motion to Supplement Application for Attorneys' Fees, Litigation Expenses,
and Costs and Motion for Defendant to be Permitted a Surreply. (*See* Doc. 48, a copy of which
is attached hereto as Exhibit A). Braintree hereby incorporates those same arguments herein by

reference.

3. Braintree also respectfully renews its request for permission to file a surreply as is more fully set forth in its Motion to Strike Plaintiff's Reply and Plaintiff's Verified Motion to Supplement Application for Attorneys Fees, Litigation Expenses, and Costs and Motion for Defendant to be Permitted a Surreply, and hereby incorporates those same arguments herein by reference. (*See* Doc. 48, Exhibit A).

WHEREFORE, Defendant, BRAINTREE PROPERTY ASSOCIATES LIMITED PARTNERSHIP, respectfully requests that the Court: (a) enter an Order striking Plaintiff's Second Fee Application Supplement; (b) barring Plaintiff from further supplementing his request for attorneys' fees and costs for the reading of this Motion and subsequent Orders of the Court; and (c) permitting Defendant the right to file a Surreply.

Respectfully submitted,

BRAINTREE PROPERTY ASSOCIATES, L.P.,

By their attorneys,

/s/ Jennifer Martin Foster
Jennifer Martin Foster, Esq. (BBO#664796)
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Admitted Pro Hac Vice

Dated: January 31, 2008

LOCAL RULE 7.1(A)(2) CERTIFICATE

In accordance with Local Rule 7.1(A)(2), Defendant's counsel has conferred with Plaintiff's counsel in an attempt to resolve the issues raised in the foregoing motion. Plaintiff's counsel has indicated that he opposes the relief sought herein.

/s/ Jennifer Martin Foster

Jennifer Martin Foster, Esq.

CERTIFICATE OF SERVICE

I, Jennifer Martin Foster, hereby certify that the foregoing document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent, via First-Class Mail, to those indicated as non-registered participants, on this 30th day of January, 2008.

/s/ Jennifer Martin Foster

Jennifer Martin Foster, Esq.